

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ABC MORTGAGE CORPORATION
f/k/a JOHN G. MACLEOD
d/b/a ABC MORTGAGE COMPANY,

Plaintiff

v.

SCOTTSDALE INSURANCE COMPANY,
Defendant

Civil Action No. 04-10816-MLW

**DEFENDANT SCOTTSDALE INSURANCE COMPANY'S MOTION FOR
SUMMARY JUDGEMENT AND REQUEST FOR HEARING**

NOW COMES the defendant, Scottsdale Insurance Company ("SIC"), and moves this Honorable Court for Summary Judgment on all counts of the Plaintiff's Complaint. As grounds for this motion, SIC states that there are no genuine issues of material and that it is entitled to judgment as a matter of law. In support of this motion, SIC submits the accompanying Statement of Undisputed Facts and Memorandum of Law.

WHEREFORE, the defendant, Scottsdale Insurance Company, respectfully requests that this Honorable Court grant its motion for summary judgment on all counts of the Plaintiff's Complaint.

The defendant requests an opportunity to be heard at oral argument on this motion.

SCOTTSDALE INSURANCE CO.

By its attorneys,

/s/ George C. Rockas
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CERTIFICATE OF SERVICE

I, George C. Rockas, hereby certify that on February 15, 2006, I electronically filed the foregoing *Defendant Scottsdale Insurance Company's Motion for Summary Judgment and Request for Hearing* and caused to be served a courtesy copy of the same to counsel of record by mailing the same via first class mail, postage prepaid, to the following:

Kerry D. Florio, Esq.
Melick, Porter & Shea LLP
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/S/ George C. Rockas
George C. Rockas